IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15623 of 2005

Between:

Vegi Srinivasa Rao, S/o. Siddaiah,
Pasivedala Grampanchyat, Kovvur Mandal, W.G.Distirict.

..... PETITIONER

AND

1 The District Collector, Panchyat Wing, West Godavary,
District At Eluru.
2 The District Panchyat Officer, West GOdavary District at Eluru.
3 The Divisional Panchyat Officer, Kovvur, West GOdavary District at Eluru.
4 Smt. Koddi Venkata Laxmi, W/o. Mutyam,
Pasivedala Gram Panchyat, Kovvur, West Godavary, District.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in not passing any order in pursuance of the notice dt. 1-2-2005 proposing to suspend the 4th respondent as sarpanch of pasivedala Gram Panchyat, West Godavari District for misappropriation of Gram Panchyat,funds as illegal arbitrary and unjust and consequently direct the respondents 1 to 3 to pass appropriate orders as per law in pursuance of the notice dated 1-2-2005 in the interest justice.

Counsel for the Petitioner:MR.K.VENKATESH

Counsel for the Respondent No.1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.4: MR. M.PRABHAKAR RAO

The Court made the following :

ORDER:

1. This writ petition is filed seeking a writ of mandamus declaring the action of the first respondent in not passing any order in pursuance of the notice dated 1.2.2005 proposing to suspend the fourth respondent as Sarpanch of Pasivedala Gram Panchayat of West Godavari district for misappropriation of Gram Panchayat funds.

2. Petitioner herein is the Upa-Sarpanch of the Pasivedala gram panchayat and the fourth respondent herein is the Sarpanch. It is the case of the petitioner that the fourth respondent-sarpanch of the gram panchayat has misappropriated the funds of the gram panchayat and in this connection petitioner filed a Writ Petition No.23621 of 2003 wherein this Court directed the first respondent herein to conduct enquiry and to take appropriate steps if there is truth in the allegations made. It is the further case of the petitioner that the second respondent herein has conducted enquiry into the matter and basing on the report of the said enquiry, the first respondent issued a notice dated 1.2.2005 to the fourth respondent-Sarpanch of the gram panchayat calling her to show cause as to why she should not be suspended from the post of Sarpanch for a period of three months. The grievance of the petitioner is that in pursuance of the said notice dated 1.2.2005, no further steps have been taken in the matter. Hence, the writ petition.

3. Heard both sides and perused the record.

4. Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition directing the respondents 1 to 3 to take appropriate action, in accordance with law, in pursuance of the notice dated 01.2.2005.

5. The writ petition is disposed of accordingly. No order as to costs.

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Elipe Dharma Rao,J.

Dated:19.07.2005

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Panchyat Wing, West Godavary,
District At Eluru.
2 The District Panchyat Officer, West GOdavary District at Eluru.
3 The Divisional Panchyat Officer, Kovvur, West Godavari District.

4. 2 CCs to G.P. for Panchayath Raj and Rural Development,

High Court Buildings, Hyderabad.

5. 2 CD copies

6. 1 CC to MR.VENKATESH

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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19th July, 2005.